



**US Army Corps
of Engineers®**

New York District
26 Federal Plaza
New York, N.Y. 10278
ATTN: CENAN-OP-ST

Public Notice

In replying refer to:
Public Notice No. Newark Bay 06
Published: May 2, 2005
Expires: June 1, 2005

MAINTENANCE DREDGING OF PORT NEWARK AND PORT ELIZABETH REACHES OF THE NEWARK BAY, NEW JERSEY, FEDERAL NAVIGATION CHANNEL

TO WHOM IT MAY CONCERN:

The New York District U.S. Army Corps of Engineers, pursuant to Section 404 (33 U.S.C. 1344) of the Federal Water Pollution Control Act (amended in 1977 and commonly referred to as the Clean Water Act), proposes to perform maintenance dredging of Port Newark and Port Elizabeth reaches of the Newark Bay, New Jersey (See attached Map), Federal Navigation Project, with the disposal of the dredged material at a suitable state permitted upland placement site(s).

WATERWAY: Port Newark and Port Elizabeth of Newark Bay, New Jersey, Federal Navigation Project.

LOCATION: Essex County and Union County, New Jersey

The federal navigation project for the Newark Bay was authorized by the Rivers and Harbors Acts of 1922, subsequently modified in 1943, 1954, 1964, 1966, 1975 and 1985. The Newark Bay Channels include the following channels:

- a. A main channel, including widenings and maneuvering areas, 40 ft deep, 700 ft wide to the branch channel at Port Newark, thence 500 ft wide, to a turning basin at the junction of the Hackensack and Passaic River channels, length about 4.7 miles.
- b. A branch channel at Port Newark (Port Newark Branch Channel), 800 ft wide, leading to an inshore channel, 400 ft wide, total length 1.6 miles. The depth of the channel is 40 ft up to 1 mile into the channel at which point the project depth becomes 35 ft until the channel's termination.
- c. A pierhead channel (Port Newark Pierhead Channel) 200 ft wide, between the Port Newark and Elizabeth branch channels, length 4,100 ft.
- d. A branch channel (Elizabeth Channel) 45 ft deep, 500 ft wide and 1.4 miles long.

- e. A pierhead channel (Port Elizabeth Pierhead Channel) 40 ft deep, 290 ft wide, between Elizabeth and South Elizabeth branch channels, length 1.1 miles.
- f. A branch channel (South Elizabeth Channel) 40 ft deep, 290 ft wide and 0.6 miles long.

This activity is being evaluated to determine that the proposed dredging with placement of dredged material on a permitted, suitable upland disposal site(s) provided by the project co sponsor, the Port Authority will not unreasonably degrade or endanger human health, welfare, economic potential, recreation and aesthetics, water quality, marine resources, ecological systems and/or flood protection.

The Corps of Engineers is soliciting comments from the public; federal, state and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Comments are used to assess impacts on navigation, water quality, endangered species, historic resources, wetlands, scenic and recreational values, and other public interest factors. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act and to determine the need for a public hearing.

ALL COMMENTS REGARDING THIS ACTIVITY MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE AT THE ADDRESS ON THE FRONT PAGE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person who has an interest, which may be affected, by the placement of this dredged material may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest which may be affected, and the manner in which the interest may be affected by the activity. It should be noted that information submitted by mail is considered just as carefully in the process and bears the same weight as that furnished at a public hearing.

No known archaeological, scientific, pre-historical or historical data are expected to be lost by work accomplished under the required dredging.

Reviews of the activity pursuant to Section 404 of the Clean Water Act will include application of the guidelines announced by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. The Corps will obtain a water quality certificates (WQC) from the New Jersey State Department of Environmental Protection in accordance with Section 401 of the Clean Water Act.

Pursuant to Section 307 of the Coastal Zone Management Act of 1972 as amended [16 USC 1456(c)], for activities conducted or supported by a federal agency in a state which has a federally approved Federal Consistency Determination (FCD) program, the Corps must submit a determination that the proposed project is consistent with the State FCD program to the maximum extent practicable. This activity is subject to review by the Department of State for its consistency with the enforceable policies of the New Jersey State Coastal Management Program. The U. S. Army Corps of Engineers New York District has determined that the proposed activities are consistent to the maximum extent practicable within the application policies of the New Jersey

State Coastal Management Program. A copy of this determination is being provided to the State of New Jersey Department of Environmental Protection. Additional information regarding the Corps of Engineers' consistency determination may be obtained by contacting the State of New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Attention: Consistency Review

In compliance with Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (1996 amendments), an Essential Fish Habitat Assessment will be prepared and submitted to the National Marine Fisheries Service for review and comment.

The proposed work is being coordinated with the following Federal, State and local agencies:

- U.S. Environmental Protection Agency
- U.S. Department of the Interior, Fish and Wildlife Service
- U.S. Department of Commerce, National Marine Fisheries Service
- U.S. Coast Guard, Third District
- New Jersey State Department of Environmental Protection

If you have any questions concerning this notice, you may contact Mr. Joe Olha, the Project Manager at (917) 790-8404. Comments or Question may be faxed to (212) 264-1463.

DESCRIPTION OF PLANNED FEDERAL ACTION:

The U.S. Army Engineer District, New York, proposes to perform maintenance dredging of portions of Newark Bay Federal Navigation Project. This project was last dredged in 2002 with 68,510 CY removed from the select shoals of the Port Newark Branch and the Main channel. The material was placed at the OENJ site, an approved, state of New Jersey permitted upland site.

The proposed maintenance dredging would involve the removal of between 400,000 and 550,000 CY of material to -40 feet Mean Low Water (MLW) in Port Newark Channel and Port Newark Pierhead Channel, and -45 feet MLW in Port Elizabeth Channel, with 2 feet allowable overdepth.

The dredged material from this dredging cycle will be placed at a state approved and permitted upland placement site(s) identified in coordination with the Port Authority, the project co-sponsor. The proposed dredging for this cycle would not occur before October 2005.

The purpose of the proposed dredging is to maintain the authorized project dimensions, thereby assuring safe and economical use of the Newark Bay Federal Navigation Channel by shipping interests. Maintenance dredging of a channel is generally accomplished by a clamshell dredge with an environmental bucket, or other similar plant.

ENVIRONMENTAL IMPACT STATEMENT:

An Environmental Impact Statement (EIS) was prepared in 1973 for the maintenance dredging of the Newark Bay Federal Navigation Channel. An Environmental Assessment was prepared for the most recent dredge cycle. Dredged material was placed in an upland disposal location rather than the ocean site. The EA concluded that the dredging with disposal at an approved upland facility had no significant adverse environmental impacts on water quality, marine resources, wildlife, recreation, and aesthetics and flood protection.

An Environmental Assessment and Section 404(b) evaluation will be prepared prior to implementation of the proposed work.

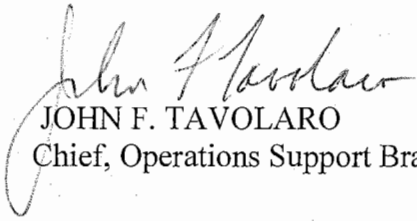
PLACEMENT SITE:

The dredged material will be transported to a suitable upland placement site(s) identified in coordination with the Port Authority. The dredged material will be required to meet all federal, state and local criteria required by the government agencies having jurisdiction where the placement site is located. All necessary permits required for the dredged material placement will be provided to the Government.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and who did not receive a copy of this notice.

For more information on New York District U.S. Army Corps of Engineers programs, please visit our web site at <http://www.nan.usace.army.mil>.

Encls.
Project Map



JOHN F. TAVOLARO
Chief, Operations Support Branch

